

Application No. 10/619,741
Amendment dated November 19 2004
Reply to Office Action of August 19, 2004

REMARKS

Foreign Priority

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received, is noted with appreciation.

Status Of Application

Claims 1-13 are pending in the application; the status of the claims is as follows:

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,256,123 B1 to Hazama (hereinafter "the Hazama patent").

Claims 1, 3-7, 9, and 10 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 2004/0109208 A1 to Amanai (hereinafter "the Amanai application").

Claims 1 and 2 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 2003/0164996 A1 to Popovich (hereinafter "the Popovich application").

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hazama patent.

Drawings

The indication, in the Office Action that the Examiner has accepted the drawings filed with the application on July 15, 2003, is noted with appreciation.

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Claim Amendments

Claims 1-7, 12 and 13 have been canceled.

Claims 8-11 have been amended to more clearly specify the claimed invention or to correct dependency. These changes do not introduce any new matter.

New claims 14-19 have been added.

Allowable Subject Matter

The objection to claim 8 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is noted with appreciation.

Claim 8 has been rewritten in independent form, including all of the limitations of the base claim and any intervening claims, as suggested by the Examiner.

Accordingly, it is respectfully requested that the objection to claim 8 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, be reconsidered and withdrawn.

35 U.S.C. § 102(b) Rejection

The rejection of claim 11 under 35 U.S.C. § 102(b) as being anticipated by the Hazama patent, is respectfully traversed based on the following.

Hazama shows an apparatus for forming a hologram conforming to the pattern of an LCD for providing different colors for each pixel of the light passing through the LCD. Object light is passed through an LCD 15 and a focusing optical system 18 onto hologram substrate 14a. Pixels for each color are made transparent on the LCD for each color of

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object light. This produces a hologram that passes the desired wavelength of light for each pixel of the LCD.

In contrast to the cited references, claim 11 includes a method:

wherein, from one step to a next, wavelengths of the light beams with which the holographic material is irradiated are changed and a wavefront of at least one of the light beams is changed by a transmissive optical element that transmits light or by a diffractive optical element that diffracts light relative to at least one other light beam to correct the chromatic aberration, the at least one other light beam having a different wavelength than the at least one of the light beams, and wherein dispersion by the transmissive optical element or the diffractive optical element permits optical positions of the light beam sources relative to the holographic material to be varied.

Hazama does not show or suggest changing the wavefront of light beams using the dispersion exerted by a transmissive or diffractive optical element to correct a chromatic aberration in the fabrication of a holographic optical element. Hazama does not fully describe the operation of the optical focusing system 18, but there is no suggestion that this system introduces a wavefront change to correct a chromatic aberration. The only "change" to the wavefront in the holographic optical element shown or suggested by Hazama is by pixel location. This does not correct for any chromatic aberration. Moreover, the goal of Hazama is not to correct an aberration, but rather to enhance illumination efficiency with an LCD display device. Thus, the cited reference does not show or suggest a method including the above quoted limitations. Therefore, claim 11 is patentably distinct from the cited references.

Accordingly, it is respectfully requested that the rejection of claim 11 under 35 U.S.C. § 102(b) as being anticipated by the Hazama patent, be reconsidered and withdrawn.

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35 U.S.C. § 102(e) Rejections

The rejection of claims 1, 3-7, 9, and 10 under 35 U.S.C. § 102(e) as being anticipated by the Amanai application, is respectfully traversed based on the following.

Claims 1 and 3-7 have been canceled. Claims 9 and 10 now depend from claim 8, and thus include every limitation of claim 8. Claim 8 has been indicated to be allowable. Therefore, claims 9 and 10 are also allowable.

Accordingly, it is respectfully requested that the rejection of claims 9, and 10 under 35 U.S.C. § 102(e) as being anticipated by the Amanai application be reconsidered and withdrawn.

New Claims

New claims 14-18 are dependent upon claim 11. As noted above, the cited references do not show or suggest a method including the limitations of claim 11 quoted above. These limitations are included in claims 14-18 via dependency on claim 11. Therefore claims 14-18 are patentably distinct from the cited references.

New claim 19 is dependent upon claim 8. As indicated in the Office Action, claim 8 is patentably distinct from the cited references. Claim 17 includes the limitations of claim 8 and is thus also patentably distinct from the cited references.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims.

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Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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